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ABSTRACT

Ten bills have been introduced in Congress in 1987 to amend the Bilingual Education Act. Five of these are similar to legislation introduced in 1985, and they are not expected to be acted upon. The remaining five had been acted upon and are as follows: (1) S.1238 which is designed to increase the proportion of existing funds in the Bilingual Education Act for English-only programs and to place a three-year enrollment limit on programs of transitional bilingual education and special alternative instruction; (2) H.R. 5 which would reauthorize the Bilingual Education Act for five additional years with only minor changes; (3) H.R. 2088 which would allow Family English Literacy Programs to include instruction to enable aliens to meet the English language and civics requirements pursuant to the Immigration Control and Reform Act of 1986; (4) H.R. 1755 which would improve services provided for limited-English proficient children; and (5) S.857 which would increase funding in English-only programs for limited-English proficient children while decreasing funding for bilingual programs. (VM)

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THE PROPOSED BILINGUAL EDUCATION ACT AMENDMENTS OF 1987

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Issue Brief

Title The Proposed Bilingual Education Act Amendments of 1987

Contact Arturo Vargas (202) 628-9600 July 2, 1987

The Proposed Bilingual Education Act Amendments of 1987

I. SUMMARY

This Issue Brief provides a description and analysis of ten bills introduced in the 100th Congress to amend to the Bilingual Education Act. As explained below, five of these proposals are similar to legislation developed in 1985 by the Secretary of Education and introduced in the 99th Congress; it is anticipated that Congress will not act on these proposals. However, the remaining five bills -- two in the Senate and three in the House of Representatives -- have been acted upon by the respective legislative bodies.

The Senate Labor and Human Resources Committee has approved S. 1238, a compromise version of an earlier bill, S. 857, which is designed to increase the proportion of existing funds in the Bilingual Educatjo Act for English-only programs. S. 1238 would also place a three-year enrollment limit on programs of transitional bilingual education and special alternative instruction. Full Senate action is pending.

H.R. 5, the School Improvement Act, contains H.R. 1755, the Bilingual Education Act Improvement Act of 1987, which would reauthorize the program for five additional years while making only minor amendments in the legislation. H.R. 5 also contains language, developed through bipartisan compromise, which would direct 70% to 75% of any additional Bilingual Education Act funds to English-only programs. A major provision of H.R. 2088 is also included in H.R. 5 which would allow Family English Literacy Programs to include instruction to enable aliens to meet the English language and civics requirements pursuant to the Immigration Control and Reform Act of 1986. H.R. 5 was approved by the House of Representatives in May.

II. INTRODUCTION

Ten separate legislative proposals have been introduced in the 100th Congress to amend the Bilingual Education Act. Four of these proposals are included in larger legislative packages; two of the larger bills are intended to increase the nation's international competitiveness, and the other two would reauthorize or amend several federal education programs in addition to the Bilingual Education Act. Many of the bills contain identical provisions initially proposed by the Secretary of Education and introduced in the 99th Congress. The ten bills are:

- H.R. 5 -- The "School Improvement Act of 1987," introduced on January 6 by Rep. Augustus Hawkins (D-CA) and William Goodling (R-PA);

- H.R. 1448 -- The "Bilingual Education Act Amendments of 1987," introduced on March 5 by Rep. James Jeffords (R-VT), William Goodling, and Harris Fawell (R-IL);

- H.R. 1155 -- The "Trade, Employment, and Productivity Act of 1987," introduced on February 19 by Rep. Robert Michel (R-IL) and 25 cosponsors;

- H.R. 1755 -- The "Bilingual Education Improvement Act of 1987," introduced on March 23 by Representatives Augustus Hawkins, Dale Kildee (D-MI), Matthew Martinez (D-CA), and Bill Richardson (D-NM);

- H.R. 2088 -- (untitled) introduced on April 9 by Edolphus Towns (D-NY);

- S. 383 -- The "Bilingual Education Act Amendments of 1987," introduced on January 27 by Senators Dan Quayle (R-IN) and Orrin Hatch (R-UT);

- S. 539 -- The "Trade, Employment, and Productivity Act of 1987," introduced on February 19 by Senators Alan Simpson (R-WY) and Thad Cochran (R-MS);

- S. 646 -- The "Education Consolidation and Improvement Act Amendments of 1987," introduced on March 3 by Senator Orrin Hatch at the request of the Administration;

- S. 857 -- The "Bilingual Education Act Amendments of 1987," introduced by Senators Dan Quayle, Claiborne Pell (D-RI), Orrin Hatch, Robert Stafford (R-VT), Strom Thurmond (R-SC), and Thad Cochran; and

- S. 1238 -- The "Bilingual Education Act Amendments of 1987," introduced by Senator Edward Kennedy (D-MA).

These bills can be placed into three separate categories: (a) proposals designed to shift funds from bilingual programs to English-only programs -- H.R. 1155, H.R. 1448, S. 383, S. 539, S. 646, S. 857, and S. 1238; (b) proposals designed to reauthorize the Bilingual Education Act -- H.R. 5 and H.R. 1755; and (c) a proposal to amend the Bilingual Education Act for purposes other than increasing funds for English-only programs -- H.R. 2088.

To date, Congress has acted on five of these bills. While the Senate has not held any hearings on bilingual education, the House of Representatives held one hearing on H.R. 1755. H.R. 5, which in its final form incorporated H.R. 1755 and sections of H.R. 2088, was passed by the House of Representatives on May 21. S. 857 was debated in the Senate Labor and Human Resources Committee, and a compromise version, S. 1238, was passed by the Committee. This bill is pending in the Senate.

Actual enactment of any bilingual education legislation is not expected until 1988. While the House has passed legislation reauthorizing the Bilingual

Education Act, the Senate Subcommitte on Education, Arts and Humanities has not yet indicated when it will conduct a similar reauthorization process. There is also no indication as to when S. 1238 will be presented to the entire Senate for a vote.

This Issue Brief provides an analysis of S. 857 and S. 1238, and the Bilingual Education Act in H.R. 5, as passed by the House of Representatives.

III. BACKGROUND

Since the reauthorization of the Bilingual Education Act in 1984, the Adminstration and several members of Congress have made efforts to eliminate funding reservations for bilingual and English-only programs. During the 99th Congress, two bills — H.R. 4538 and S. 2256 — were introduced that would (a) eliminate the provision that 75% of funds for school programs be reserved for programs of transitional bilingual education, and (b) repeal provisions that limit funding of English-only programs to 4% to 10% of the Act's total appropriation. Both bills also contained the following new finding affirming the dual purpose of the Bilingual Education Act:

> "that, regardless of the method of instruction, programs which serve limited English proficient students have the equally important goals of developing academic achievement and English proficiency."

A hearing was held on the Senate version of the bill, S. 2256, but no action was taken.

These same measures were reintroduced in the 100th Congress as H.R. 1448 and S. 383. In addition, H.R. 1155, S. 539 and S. 646 — which incorporate other measures and programs in addition to bilingual education — are identical to H.R. 1448 and S. 383, but do not include the added finding.* While no action has been taken on any of these measures, Senator Quayle did announce his intention to attach S. 383 to any education legislation in the Senate which would serve as a suitable vehicle. Before doing so, however, Senator Pell, Chairman of the Senate Subcommittee on Education, Arts and Humanities, arrived at a compromise with Senator Quayle that would raise the funding for English-only programs to 25% of the Act's total appropriation. Senators Quayle and Pell, along with four cosponsors, jointly introduced their compromise bill as S. 857. A further compromise version of this bill, S. 1238, was approved by the Senate Labor and Human Resources Committee.

In the House, action has already taken place in regards to the Bilingual Education Act. On January 6, Rep. Augustus Hawkins (D-CA), Chairman of the House Education and Labor Committee and the Subcommittee on Elementary, Secondary and Vocational Education, and Representative William Goodling (R-PA), ranking minority member of the Subcommittee, introduced H.R. 5, the School Improvement Act of 1987, which provided for a simple extension of 14 federal programs, including the Bilingual Education Act. Like many of these programs, the Bilingual Education Act is not scheduled to expire until after FY 1987, but the Committee decided to place all the major elementary and secondary school programs on the same calendar track.

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* For an analyis of H.R. 1448 and S. 383, as well as the bilingual education sections of H.R. 1155, S. 539 and S. 646, see "The Proposed Bilingual Education Act Amendments of 1986 -- H.R. 4538 and S. 2256," National Council of La Raza, May 1986.

During the winter and spring, most of the major programs to be reauthorized were introduced as separate pieces of legislation, individually "marked-up" (the process of amending proposed legislation while in committee), and then folded back into H.R. 5 to create an omnibus education bill. Among these was H.R. 1755, the Bilingual Education Improvement Act of 1987, introduced by Rep. Hawkins, Kildee, Martinez, and Richardson.

A hearing on H.R. 1755 was held on March 24; in addition, the Committee held a field hearing in Los Angeles in conjunction with the Congressional Hispanic Caucus which focused on literacy and bilingual education. Several amendments were made to H.R. 1755 during mark-up sessions; these changes include a compromise amendment to increase funding for English-only programs and an amendment to add portions of H.R. 2088 which would allow Family English Literacy Programs to include instruction designed to enable aliens to meet the English language and civics requirements in the Immigration Reform and Control Act of 1986. H.R. 1755 was included in H.R. 5, which was passed by the House of Representatives in May.

A more detailed analysis of both Senate and House of Representatives action and legislation on bilingual education is included below.

IV. SENATE LEGISLATION TO AMEND THE BILINGUAL EDUCATION ACT

A. Overview

Because the Senate Labor and Human Resources Committee has taken action on S. 857, it is unlikely that any further action will be taken on legislation that would only amend the funding guidelines for bilingual and English-only programs in the Bilingual Education Act. Therefore, action on S. 383 and the bilingual education sections of S. 539 and S. 646 is not expected. However, since none of the proposed legislation includes provisions to extend the Act, the Senate has yet to engage in the reauthorization process for the Bilingual Education Act. It is expected that this will occur sometime during the 100th Congress.

B. S. 857

On March 26, Senator Quayle introduced an amended version of his earlier bill, S. 383, to amend the Bilingual Education Act and was joined by four other members of the Labor and Human Resources Committee. In his statement in the Congressional Record, Senator Quayle indicated that S. 857 was a result of negotiations with members of the Committee and designed to increase the Act's "flexibility" in funding English-only programs for limited-English proficient children.

1. Major Provisions of S. 857

Known popularly as the Quayle-Pell proposal, S. 857 includes three major provisions. First, the measure would eliminate the current provision that 4% of the first $140 million appropriated for the Bilingual Education Act be reserved for programs which do not make use of a child's native language, known in the law as "special alternative instructional programs." This provision was first included in the Act in 1984 as a result of a bipartisan compromise designed to make funds available to school districts that, for a variety of reasons, are unable to implement bilingual programs. The provision also includes an "escalator" clause which states that half of any funds appropriated over $140 million will be

reserved for special alternative instructional programs, up to 10% of the Act's total appropriation. In this provision's place, S. 857 would substitute language which would reserve 25% of the Act's total appropriation for English-only programs, and reduce the 75% set-aside of Part A funds (Part A provides funds for local programs) for programs of transitional bilingual education to 60%. A clause is also included which stipulates that current grants would not be affected by these changes.

The second major provision of S. 857 would limit to three years the length of time a student may be enrolled in a federally-funded program of either transitional bilingual education, developmental bilingual education, or special alternative instruction. In addition, S. 857 would allow the Secretary to give priority to applicants for special alternative instruction program grants that are small school districts or districts with schools that have "many languages represented." The measure would also add the finding regarding the dual goal of the Act found in S. 383.

2. Analysis of S. 857

S. 857 would significantly increase funding for English-only programs while decreasing funding for bilingual programs. Currently, English-only programs receive approximately $6 million; at the present appropriation level of $143 million, English-only programs could eventually receive over $35 million under S. 857, a 600% increase. This increase would necessarily be at the expense of programs that use a child's native language. This proposal is a modest version of the Secretary of Education's "bilingual initiative" to make all Bilingual Education Act funding available for English-only programs. This shift in funds raises serious concerns in light of recent and ongoing research that suggests that English-only programs are least effective in the education of limited-English proficient children. Most recently, the General Accounting Office (GAO) report, "Bilingual Education: A New Look at the Research Evidence," shows that a majority of the experts surveyed believe the Administration is incorrect in characterizing English-only approaches in the education of limited-English proficient children as "promising."

The new funding guidelines proposed in S. 857, in particular the 25% set-aside for English-only programs, would also be very difficult to implement because they would reserve proportions of funds that add up to over 100% of the total funds available. The proposed measure would not tamper with the law's existing set-asides for Parts A and C (Part C provides funding for training and technical assistance activities). Current law stipulates that Part A receive at least 60% and Part C receive 25% of the Act's total appropriation. In addition, while the law does not provide a set-aside for Part B of the program (data collection and research), it currently receives approximately 10% of the Act's appropriation. Since the two set-asides for Parts A and C add up to at least 85% of the Act's total appropriation, and Part B currently receives 10% of the total funds, an additional 25% set-aside for English-only programs would require a dramatic reduction in Part B expenditures.

The third major provision in S. 857, the three-year enrollment limit, does not appear to be based on research evidence. In response to an inquiry as to the reason for the inclusion of the three-year limit, a member of the Subcommittee staff indicated that "there is a fear that children are not learning English." Research conducted at the University of Oklahoma, however, suggests that formerly limited-English proficient students who were enrolled in bilingual education programs have lower high school dropout rates and higher grade point averages than similar students not enrolled in bilingual programs.

C. S. 1238

The Quayle-Pell bill, S. 857, was met with some opposition by members of the Senate Labor and Human Resources Committee, including Committee Chairman Senator Kennedy. No hearings have been held on the proposal. Senate staff indicated that since it was not a reauthorization, a hearing would not be necessary and that they would instead refer to the legislative history of S. 2256 introduced in the 99th Congress. As a result of negotiations on S. 857, the bill was amended and initially approved by means of polling each Committee member. The Senate leadership rejected this process and indicated that it would not bring the bill to the floor for a vote unless it was voted on by the Committee. The amended version of S. 857 was subsequently reintroduced as a new bill by Senator Kennedy -- in his capacity as Chairman of the Committee -- as S. 1238, and approved 15-1 by the Committee. Senator Spark Matsunaga (D-HI) represented the lone dissenting vote.

1. Major Provisions of S. 1238

S. 1238 would continue to reserve 75% of Part A funds for programs of transitional bilingual education as provided in current law, but would allow programs of developmental bilingual education, academic excellence, special populations, and family English literacy to be funded from this set-aside as well. Special alternative instructional programs would be allowed to receive up to 25% of Part A funds, and, as with the 75% set-aside, the other four Part A programs could also be funded from this set-aside. A clause is also included which stipulates that grants awarded in Fiscal Year 1987 would not be affected by these changes.

S. 1238 would limit a student's enrollment in a federally-funded transitional bilingual education or special alternative instructional program to three years. However, a student would be allowed to remain in a program for two additional years if a comprehensive evaluation were conducted at the end of the third and fourth years that showed the student's "failure to master English is impeding the academic progress of the student in meeting grade promotion and graduation standards." The evaluation would have to involve teachers and school personnel familiar with the student's overall academic progress and indicate how the student's needs to master English would be met. The student's parents would be required to be informed of the evaluation's results as well. The law would prohibit a student from being enrolled in a program for more than five years.

S. 1238 also contains language which permits a grantee to "intensify instruction" for limited-English proficient students by expanding the school year calendar to include summer programs and classes before and after school. Grantees would also be permitted to lower pupil-teacher ratios through professional and volunteer aides. "The application of technology" would also be encouraged.

Priority would be granted to applicants for special alternative instruction grants which meet one of following three criteria: (a) a school district having schools in which many languages are represented, (b) a school district lacking qualified bilingual personnel, or (c) a school district with a small number of students in its schools that "because of isolation or regional location" is unable to obtain a bilingual teacher.

2. Analysis of S. 1238

While S. 1238 would shift funds away from bilingual programs to English-only programs, the change would not be as dramatic as proposed in either

S. 857 or its predecessor S. 383. A very troubling feature of this legislative process, however, is the refusal of the Subcommittee to hold hearings on the implications of S. 857 or S. 1238. While the focus of both bills is to increase funds for English-only programs, these proposals are very different from S. 2256, whose hearing — held in May 1986 -- Senate staff elected to use. The absence of hearings is also troubling given new research, such as the Department of Education's own comparison study of bilingual and immersion programs, and the GAO report on bilingual education research evidence, which both suggest that English-only immersion programs are less effective than programs which make either some or extensive use non-English languages in teaching English and academic subject matter to limited-English proficient children.

Although S. 1238 would also place a three-year enrollment limit on federally-funded programs, students who have not achieved sufficient mastery of English to succeed in the all-English classroom would be allowed to continue to receive services for up to two additional years. Schools, however, bear the burden of proof by conducting a comprehensive evaluation of each student to show that continued services are needed. Students enrolled in federally-funded developmental bilingual education programs are excluded from this provision in recognition of the unique goals of the program: to achieve mastery of English and mastery of the native language among both native English speaking and limited-English proficient children, and to allow students to meet grade promotion and graduation standards.

Special alternative instructional programs were intially developed in recognition of the fact that some school districts are unable to implement effective bilingual programs. The priority in S. 1238 for applicants for these English-only programs would help assure, but not guarantee, that the school districts truly unable to implement effective bilingual programs be the ones that would benefit from special alternative instruction grants.

V. HOUSE LEGISLATION TO AMEND THE BILINGUAL EDUCATION ACT

A. Overview

Of the five measures introduced in the House to amend the Bilingual Education Act, no action has been taken on two, H.R. 1448 and H.R 1155. Both of these measures incorporate the Administration's proposals that would make all the funds in the Bilingual Education Act available to either bilingual or English-only programs. It is unlikely that any action will be taken on H.R. 1448, or the bilingual education provisions of H.R. 1155 -- which includes many other programs — because a delicate compromise agreement on this issue was developed by the Committee on Education and Labor and passed by the House as part of H.R. 5, which incorporated H.R. 1755 and a key section of H.R. 2088.

B. H.R. 2088

While no action has been taken on H.R. 2088 per se, pertinent language was attached as an amendment to H.R. 1755 and included in H.R. 5 as passed by the House. H.R. 2088, as introduced, would amend the definition of the Family English Literacy Program in the Bilingual Education Act to allow the programs to

"include instruction designed to enable aliens who are otherwise eligible for temporary resident status under section 245A of the Immigration and Nationality Act to achieve a minimal understanding of ordinary English and a knowledge and understanding of the history and government of the United States as required by section 312 of such Act."

The bill also includes several findings, which were not included in H.R. 5, that provide a rationale for the amendment. The bill indicates that "several thousand" limited-English proficient undocumented aliens are expected to apply for legalization under the Immigration Control and Reform Act of 1986. This legislation requires aliens to either demonstrate a minimal understanding of ordinary English and a knowledge and understanding of the history and government of the United States, or be enrolled in a course of study -- recognized by the Attorney General -- that would meet these requirements. H.R. 2088 indicates that because no specific funding has been allocated to provide such courses, and because federal funding for bilingual education programs has decreased by 45% in the past seven years, such an amendment is necessary.

No further action on H.R. 2088 is expected at this time.

C. H.R. 5 and H.R. 1755

While the Bilingual Education Act -- Title VII of the Elementary and Secondary Education Act of 1965 as amended, and Title VII of the School Improvement Act of 1987 -- was only one of 14 federal education programs to be reauthorized by the House as part of H.R. 5, it generated the most controversy and consumed a substantial portion of the Committee's time and attention. The bill introduced to reauthorize the Act, the Bilingual Education Improvement Act of 1987, H.R. 1755, made only minor changes in the legislation. Many of the changes reflect recommendations by the National Council of La Raza and the National Association for Bilingual Education (NABE) requested by Congress. All the proposed changes to current law in H.R. 1755 were accepted by the Committee.

On March 24, the Subcommittee held a hearing on H.R. 1755. At the hearing, Eleanor Chelimsky, Director of the Program Evaluation and Methodology Division of the General Accounting Office (GAO) presented the findings of the GAO's report on bilingual education research evidence. Carol Pendas-Whitten, then Director of the Department of Education's Office of Bilingual Education and Minority Languages Affairs, presented the Administration's proposals to remove all funding restrictions on English-only programs and reservations for transitional bilingual education programs. Gordon Ambach, then President of the University of the State of New York and State Commissioner of Education, and Harry Handler, then Superindentent of the Los Angeles Unified School District, testified in support of H.R. 1775 and against increasing funds for English-only programs. Lillian Falk, Coordinator of the English for Speakers of Other Languages Program for the Prince George's County Schools in Maryland, presented testimony in support of the Administration's proposals.

The single but critical issue of debate was the Act's requirement that most of the programs funded under the Act make some use of a child's native language for instructional purposes. H.R. 1755 did not propose any changes to the existing funding guidelines for the programs. Amendments to these provisions were proposed during the Subcommittee mark-up. After several meetings by seven members of the Subcommittee, a compromise amendment was reached and approved by the full Committee that would award the majority of new funds to programs of special alternative instruction.

1. Amendments to Current Law

Aside from the funding guidelines, the Bilingual Education Improvement Act of 1987 would make several minor changes to current law. Those of greatest significance are described below.

a. Authorization Level

The authorization level of Title VII would be increased from $147 million to $246 million. It has been estimated that only one-third of limited-English-proficient children currently receive any special language instruction. However, full funding of the Act would serve an additional 150,000 students in addition to the 212,000 students now served. Full funding would also increase by 450% the amount of funds available for special alternative instructional programs, those programs which do not require the use of a child's native language.

During Subcommittee mark-up, Rep. Richardson offered an amendment to increase the authorization level from the proposed $246 million to $274.1 million. This increased amount represented the level of appropriations for the Bilingual Education Act in 1980, adjusted for inflation. After some discussion on the fiscal implications of raising the authorization limit, the Subcommittee voted to reject the amendment.

b. Policy

Three new findings would be added to the policy section of the legislation, and a third finding would be amended. One new finding states that the instructional use and development of a child's native langauge promotes student self-esteem, subject matter achievement, and English-language acquisition. A second new finding reiterates that regardless of the method of instruction, programs which serve limited-English proficient students have the equally important goals of developing academic achievement and English proficiency. A third new finding states that there is a shortage of qualified educational personnel to serve children of limited English proficiency. An existing finding would be amended to add language which states that bilingual education programs help develop the nation's linguistic resources and promote the nation's international competitiveness. Finally, new language is also included which emphasizes the law's requirement that programs funded under the Act be designed to enable children to meet grade promotion and graduation standards.

c. Part A Programs

In addition to the inclusion of H.R. 2088, there are several minor changes in Part A, the section of the Act which provides funds to school districts for instructional programs. The definition of Programs of Academic Excellence would be amended to emphasize that the programs are to focus on effective school and teaching practices for limited-English proficient children. The Family English Literacy Program would be expanded to allow instruction designed to enable eligible aliens to meet the English language and civics requirements for permanent resident status pursuant to the Immigration Reform and Control Act of 1986.

Grants for the development of instructional materials would be eliminated. This is a small program; the Department estimates that only two grants will be awarded in FY 1987. According to the Committee, this change will not have a

significant impact on schools since the development of instructional materials is an allowable activity under all other Part A programs.

Other changes include a provision that would make all awards for programs for Special Populations (gifted and talented, preschool, and handicapped children) for three years, as opposed to the one- to three-year provision in current law. The legislation would also be amended to clarify that nonprofit organizations are eligible to apply singly, or jointly with a school district, for Academic Excellence, Family English Literacy, or Special Populations grants. Another amendment would eliminate the requirement that grantees engage exclusively in pre-service activities for no more than the first six months of the grant. Grantees would now be able to engage in such activities for up to the first 12 months of a grant if they so desired.

d. Parent Involvement

There are several new provisions designed to increase and strengthen parental involvement in Bilingual Education. The legislation would be amended to require that all information that must be made available to parents, including parent notification when a child has been selected to participate in a Title VII-funded program, be made available in a "language and form" the parents understand. The legislation would also require local education agencies to provide appropriate support to Title VII parent advisory councils.

e. Administration

Several changes are proposed in the administration of the program. The Director of the Office of Bilingual Education and Minority Languages Affairs (OBEMLA) would be required to report annually to Congress and the President on the grants and contracts made, and the number of individuals benefiting from Title VII programs during the preceding fiscal year. The Secretary would be required to submit a biannual report to Congress beginning in 1988 on the condition of bilingual education in the nation; this report must include information on Title VII research activities and findings. In reading and scoring applications for grants under Part A and Part C (training and technical assistance activities) of the Act, the Secretary would be required to use non-federal employees experienced in bilingual education programs. The Secretary would also be required to solicit nominations for readers from the state bilingual education directors.

f. The National Advisory and Coordinating Council on Bilingual Education

The National Advisory and Coordinating Council on Bilingual Education would be eliminated. In the past, individuals openly opposed to bilingual education have been appointed to the Council, increasing the politicalization of the program. In recognition of this fact, the Committee decided to eliminate the Advisory Council and delegate its duties and functions to either state education agencies, Congress, or other entities.

For purposes of developing program evaluation requirements, the Secretary of Education would be required to consult with state directors of bilingual education, Evaluation Assistance Centers, and other individuals and organizations with expertise in testing and evaluation. For research purposes, the Secretary would be required to consult with the appropriate Congressional committees.

g. Other Amendments

There are several other minor amendments proposed throughout the legislation. An amendment to the definition of terms in the Act would prohibit the Secretary from further defining any terms in the Act. Another amendment would increase the minimum state education agency grant from $50,000 to $75,000. Under the section authorizing research activities, one amendment specifies that longitudinal studies on programs funded by the Act must include a study of the effects of Title VII-funded programs on the grade retention, academic performance, and dropout rates of students enrolled in such programs; and another amendment would prohibit the Secretary from conducting or supporting studies or analyses of the content of educational textbooks. Another amendment would prohibit the Secretary from imposing restrictions on the availability or use of Title VII funds other than those restrictions specified by the law. Finally, language is included which would guarantee that existing grants and contracts be unaffected by any changes in the law. (Copies of the proposed bilingual education legislation as passed by the House are available from the National Council of La Raza upon request.)

2. Funding Provisions for Bilingual and English-only Programs

During the Subcommittee mark-up of H.R. 1755, Rep. Steve Bartlett (R-TX) offered several amendments that would have increased the funds available for programs which do not make use of a child's native language, the special alternative instructional programs. Rep. Bartlett's amendments would have reserved 25% of Part A funds in the Act for special alternative instructional programs, guaranteed that transitional bilingual education programs and training and technical assistance activities would continue to receive at least the same amount they were appropriated in FY 1987, and required that instructional programs include curricula designed to achieve competence in the English language within three years while allowing students to meet grade promotion and graduation standards.

Members of the Subcommittee debated these proposed amendments at length. After some three hours of discussion, Chairman Hawkins suggested that Rep. Bartlett withdraw his amendments and use the Spring Recess time to work out some accommodation with members of the majority before full Committee mark-up. Mr. Bartlett agreed to the Chairman's suggestion, and a series of six meetings were held to discuss a compromise amendment. Participating in the discussions at some point were Representatives Hawkins, Kildee, Martinez, Richardson, Bartlett, Goodling, and James Jeffords ranking minority member on the full Committee and ex-officio member of the Subcommittee.

The Representatives' final negotiating session was on the last day of full Committee mark-up. The final compromise amendments were supported by all the conferees except Rep. Martinez and Richardson. These amendments would:

- Guarantee FY 1987 funding levels for each of the three major Part A programs -- transitional bilingual education, developmental bilingual education, and special alternative instruction;
- Guarantee the combined FY 1987 funding levels for programs of Academic Excellence, Family English Literacy, and Special Populations; and
- Reserve either FY 1987 funding levels or 20% of the entire appropriation, whichever is greater, for training and technical assistance activities (Part C of the legislation).

Any new funds above FY 1987 funding levels ($143 million) would be distributed in the following manner:

- First, Part A and Part C would each receive an increase to adjust for inflation;
- Second, of remaining funds, a minimum of 70% and a maximum of 75% would be reserved for special alternative instructional programs; and
- Third, of the any remaining funds, $1 million would be reserved in FY 1988 for programs of developmental bilingual education; this program thereafter would receive an annual increase of $150,000. Any remaining funds would be allocated to transitional bilingual education programs.

These amendments were adopted by the full Committee on a voice vote; Rep. Martinez and Richardson appeared to be the only members voting against the amendments. Rep. Martinez spoke against the amendments and suggested an alternative amendment which was rejected on a voice vote. Rep. Richardson also expressed his opposition to the amendments.

Speaking in support of the amendments, Rep. Kildee indicated that such an accommodation was necessary in order to secure bipartisan support for the program. Chairman Hawkins echoed Rep. Kildee's concerns. Rep. Bartlett indicated that he believed the amendments would move the program "substantially forward" and that they represented improvements. Rep. William Ford (D-MI), ranking majority member of the full Committee, indicated that he did not consider the amendments an improvement to the status quo, but only an accommodation that was politically expedient. Rep. Ford also called for an evaluation of the special alternative instructional programs within one year of the legislation's enactment, a request which the Committee included in its report on H.R. 5.

VI. CONCLUSION

Except for the provision which would direct additional funds to English-only programs, H.R. 5 would improve the Bilingual Education Act by "fine-tuning" the legislation. The program, which experienced a major revision in 1984, has generally worked well. The minor amendments proposed by the House Education and Labor Committee leadership in the initial reauthorizing legislation -- H.R. 1755 -- would improve the program's ability to provide services to limited-English proficient children.

The bipartisan compromise, however, approved over the objections of Committee members who are members of the Congressional Hispanic Caucus, demonstrates that many members of Congress continue to lack full understanding of the program's intention and the function of bilingual instruction. Proponents of increased funding for English-only programs overlooked timely research which demonstrates the effectiveness of native-language instruction in the development of English proficiency and subject matter competency among limited-English proficient children.

Similarly, the Senate legislation to amend the Bilingual Education Act, S. 1238, would allow an increase of existing funds for English-only instruction at

the expense of decreasing funding support for bilingual programs. This legislation, approved by the Labor and Human Resources Committee without the benefit of a hearing, also runs counter to research and experience in educating limited-English proficient children.

The National Council of La Raza believes that except for the proposed funding guidelines, the specific kinds of amendments contained in the House legislation would represent an improvement in the Bilingual Education Act. The Senate should consider similar provisions in any bilingual education legislation. The Council also believes that the Senate should hold a series of hearings on bilingual education and the research evidence before it reauthorizes the Bilingual Education Act. Such hearings are necessary in order to carefully consider the potentially damaging effects of English-only programs, which research shows are less effective than either early-exit or late-exit bilingual programs in educating limited-English proficient children.